

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Latroy McBride,

Civil No. 08-6130 (DWF/JJG)

Plaintiff,

v.

ORDER

Warden Dwight Fondren,

Defendant.

Latroy McBride, *Pro Se*, Petitioner.

Gregory G. Brooker, Assistant United States Attorney, United States Attorney's Office, counsel for Respondent.

The above-entitled matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 13, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court